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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,617	02/19/2002	Sinikka Sarkkinen	017.41187X00	9558

7590 11/21/2003

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900 Third Avenue  
New York, NY 10022

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 11/21/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/076,617

Applicant(s)

SARKKINEN ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-16 and 19-29 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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**Commissioner for Patents**



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**Commissioner for Patents**

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Specification***

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,6-16,19- 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohkubo et al "Ohkubo" (2001/0046877).

As to claims 1, 28, Ohkubo discloses a method of controlling the power level of multicast data transmissions in a wireless communications network (figure 1), comprising: providing power level information in a transmitted channel received by a user equipment (41) (page 4 para. 50-51), measuring (42) the power level of a signal received by said user equipment (page 1, para. 14-15), comparing (43) the power level measured by the user equipment to the power level indicated by said power level information provided in said transmitted channel (page 4 para. 53-54 and figure 2) and including power level measurement information in a message sent by said user

equipment depending on the results obtained when the power level measured by said user equipment is compared to the power level indicated by said power level information provided in said transmitted channel (page 4 para. 54-55 and figure 2).

As to claims 2,16, Ohkubo discloses the method is carried out when the user equipment enters a new cell (mobile station 21 is considered enters a cell of base station 11 and figure 1).

As to claim 3, Ohkubo discloses the comparing step is performed in said user equipment and said power level measurement information is included in said message sent by said user equipment is less than the power level indicated by said user equipment if the power level measured by said user equipment said power level information provided in said transmitted channel (the comparator 43 outputs a signal , indicating a difference between the reference c/I ratio (Rref) 44 and measured C/I ratio , to transmitter 23 (page 4 , second column 4<sup>th</sup> para.). It is considered that the difference user equipment is less than the power level indicated.

As to claims 6,19 , Ohkubo discloses transmitted channel is an uplink Direct transfer message (figure 1).

As to claims 7,20, Ohkubo discloses transmitted channel is a multicast power indication message (figure 1).

As to claims 8,21 Ohkubo discloses provide in said transmitted channel (figure 1).

As to claims 9,22 , Ohkubo discloses performed periodically while the user equipment is in the same cell (page 4 3<sup>rd</sup> para.)

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As to claims 10,27, Ohkubo discloses storing in a multicast database the power level measurement information included in the message sent by the user equipment (page 3 , 2<sup>nd</sup> column para.5 and figure 2).

As to claim 11, Ohkubo inherently discloses the message sent by the user equipment does not cause the establishment of an RRC connection.

As to claims 12,24, Ohkubo discloses the wireless communication network changes the power level of multicast data transmissions based on the power level measurement information included in a message sent by the user equipment (abstract) .

As to claims 13,25, Ohkubo discloses the power level of the multicast data transmissions is less than the maximum power level required for all user equipment in the wireless communication network (page 4, column 1<sup>st</sup> 7<sup>th</sup> paragraph).

As to claims 14,26, Ohkubo inherently discloses tracking the location of user equipments in the wireless communication network.

Claims 15,23, which recites the steps of implementing apparatus, in place of method claim 1, is rejected for the same reason as set forth in the claim.

As to claims 20-29, Ohkubo discloses the network element is adapted to receive message including power level measurement information indicated that the power level measured by the user equipment is less than the power level indicated by the power level information provided in said transmitted channel and to provide that said wireless communications network decreases the power level of multicast data transmissions in the absence of said messages (page 6 , 2<sup>nd</sup> column 2<sup>nd</sup> paragraph).

***Allowable Subject Matter***

4. Claims 4-5 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the feature of these unique limitation "the message sent by said user equipment if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel is a cell update message and a URA update message". This limitation in conjunction to independent claim , the prior art fails to suggest or disclose, this limitation is indicating allowable over the prior art of record.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeschke et al (6,389,265) disclose a UMTS transmit power control command to all base stations and transmit to user equipment (abstract and figure 1).

Grob et al (5,881,368) disclose a dispatch system , power of the forward link broadcast cahnnel transmitted from a base station is controlled such that the power level is to remote within coverage area (abstract).

Kosuke (EP 1063782) disclose a multicast message communicating system the base station transmit multicast cahnnel, and plurality of mobile stations for receiving the multicast message and base station receives power increase request from mobiles

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(abstract).Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TBG

November, 15, 2003

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**TILAHUN GESESSE**  
**PATENT EXAMINER**